

Remarks

As an initial matter, Applicant has received the initialed PTO-1449 submitted by Applicant on July 21, 2003. However, Applicant also filed a Supplemental Information Disclosure Statement on July 7, 2004. Applicant respectfully requests that the Examiner consider the references cited in the Supplemental Information Disclosure Statement of July 7, 2004 and initial each of the documents cited. Applicant would appreciate an initialed copy of the PTO-1449 with the next correspondence.

Claims 1-11, 13-23, and 28-30 remain in the application with Claims 1 and 20 being in independent form. Claims 1, 6, 13, and 20 are being amended and Claims 12 and 24-27 have been cancelled.

Claims 1-3, 6, 7, 9, 10, 20-22, 25, 26, 28 and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Brown (U.S. Patent No. 4,286,777). Claims 1-4, 6, 7, 9, 11, 20-23, 25, 26 and 28-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lindblom, et al. (U.S. Patent No. 6,017,073), or Yamashita (Japanese Publication No. 61-45124). Further, Claims 12-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita and Claims 8 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita or Brown or Lindblom, et al. Finally, Claims 5 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita or Brown or Lindblom in view of Voss, et al. (U.S. Patent No. 5,743,547).

Applicant has carefully examined the prior art uncovered by the Examiner and has amended independent Claims 1 and 20 to overcome the above rejections. In particular, independent Claim 1 now recites the substantive limitations from previous dependent Claims 6, 12, and 13. As set forth in greater detail below, Applicant respectfully disagrees with the obviousness rejections of Claims 12 and 13. Further, independent Claim 20 has been amended to include the substantive limitations of previous dependent Claims 25 through 27. As such, Applicant respectfully disagrees with the obviousness rejection of Claim 27.

Regarding independent Claim 1, this claim now requires that the first and second portions of the insulator have varied widths which define a ledge on the second portion of the insulator. Independent Claim 1 also requires that the carrier define a cup at least partially surrounding the first portion with a flange spaced from the ledge during the application of a first force and engaging and compressing against the ledge during an application of a second force. These claimed features were found in previous dependent Claims 6, 12 and 13. The combination of features set forth in amended independent Claim 1, in particular the insulator and carrier, are not shown described or suggested by the prior art of record.

The Examiner points to the Yamashita reference for a teaching of the structure found in previous dependent claims 12 and 13, which is now claimed in independent Claim 1. In particular, the Examiner states that it would have been obvious to one of ordinary skill in the art to utilize the carrier shown in Figure 1 of Yamashita in the mount assembly of Figure 3 of Yamashita. Applicant respectfully disagrees with this finding. The carrier disclosed in Figures 1 and 2 includes a pair of sloping inner walls 20, 20a that would dramatically hinder the operation of the mount assembly of Figure 3. In particular, the center section of the upper insulator in Figure 3 would be dramatically reduced in size thereby destroying the operational characteristics of this mount. In fact, the Yamashita reference recognizes that the carrier disclosed in Figures 1 and 2 cannot be incorporated into Figures 3 or 4. If this alternative was feasible, the Yamashita reference would have certainly illustrated this alternative. As mentioned above, the sloping walls 20, 20a simply occupy too much space of the upper insulator, there making it impracticable for use in the mount assembly of Figures 3 and 4. In order to incorporate the carrier of Figure 1 into the mount assembly of Figures 3 or 4, the insulator must be configured as shown in Figure 1 of Yamashita. As such, Applicant contends that there is no obviousness teaching of incorporating the carrier as shown in Figures 1 and 2 into the mount assembly of Figure 3.

Aside from this determination, even if the carrier of Figure 1 was inserted into the mount assembly of Figure 3, all of the claimed limitations as set forth in amended independent Claim 1 would still not be found. In particular, the carrier would *continuously* compress the ledge of the mount assembly of Figure 3 through all applications of force.

Conversely, independent Claim 1 requires that the carrier compress the first portion without compressing the ledge and the second portion when the first force is applied. Independent Claim 1 also requires that the carrier include a flange spaced from the ledge during the application of the first force and engaging and compressing against the ledge during the application of the second force. This particular structure of the carrier is not found or suggested by Yamashita. The remaining references, including Brown and Lindblom, et al., do not disclose, teach or suggest the combination of features as set forth in amended independent Claim 1. Accordingly, independent Claim 1 is believed allowable. Claims 2-11 and 13-19 are also believed allowable as these claims depend from unique features of independent Claim 1.

Turning to independent Claim 20, this claim now requires the first portion having a first width and the second portion having a second width being larger than the first width to define a ledge on the second portion. Independent Claim 20 also now requires that the first and second portions be formed of micro-cellular polyurethane and that the first portion has a first height and the second portion has a second height with the first height being at least three times larger than the second height, which prevents the ledge from being compressed during the application of the first force. These claimed features were found in previous dependent Claims 24-27.

The Examiner contends that the feature of Claim 27, which is now claimed in independent Claim 20, is obvious in light of Yamashita or Brown or Lindblom, et al. In particular, the Examiner states that "courts have ruled that changes in shape or configuration are obvious absent persuasive evidence". Specifically, the Examiner contends that it would have been obvious to one of ordinary skill in the art as a matter of design choice to have chosen a height difference between the first portion and the second portion. Applicant respectfully disagrees with the Examiner's finding of obviousness because, in this instance, there is persuasive evidence that the configuration of the insulator as claimed in Claim 20 is NOT obvious.

The Examiner contends that the prior art references of Brown, Lindblom and Yamashita each disclose an insulator having a first portion and a second portion of varying heights. However, the Examiner concedes that each of these references only teach very

small relative heights between the first and second portions. The Examiner also concedes that each of the insulators disclosed in these references is formed of rubber.

As known to those skilled in the art and as discussed in the specification and shown in Figure 7, rubber has a significantly different deflection rate than microcellular polyurethane. If the insulators shown in the prior art references were modified, as suggested by the Examiner, to include a first portion at least three times larger than the second portion, the insulators would each become virtually inoperable. The load that would be required to adequately compress a large first portion formed of rubber such that the carrier could engage a second portion would greatly exceed the expected loads of the vehicle. It is the use of the rubber material in the prior art that requires the relatively close heights of the first and second portions.

The unique use of microcellular polyurethane in combination with the uniquely configured insulator, as claimed in Claim 20, creates a novel and non-obvious design not contemplated by the prior art of record. Accordingly, none of the prior art references uncovered by the Examiner including Brown, Lindblom and Yamashita, disclose, teach or suggest the use of a microcellular insulator having a first portion at least three times larger than a second portion for preventing a ledge from being compressed during certain conditions. The unique configuration of the microcellular insulator of the subject invention therefore effectively isolates vibrations of the support structure relative to the carrier and also can control high amplitude movements of the support structure relative to the carrier. In particular, the vibrations are typically translated through the first portion. The relative large height of the first portion allows for an improved smooth ride through the entire range of the first portion. The second portion is designed to control the high amplitude movements and is not engaged during the vibrational movement.

In light of the above, independent Claim 20 is believed allowable over the prior art of record. Further, dependent Claims 21-23 and 28-30 are also believed allowable as these claims depend upon unique features of independent Claim 20.

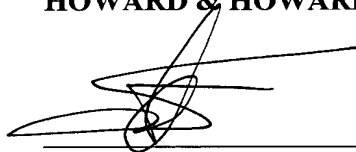
The remaining references cited but not applied to the claims have been considered. Since the Examiner has apparently considered these references as less pertinent than the above discussed references, further discussion of the non-applied references, at this time, is

considered unnecessary. However, it is respectfully submitted that the claims in the subject patent application patentably define over all references of record either independently or in combination.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

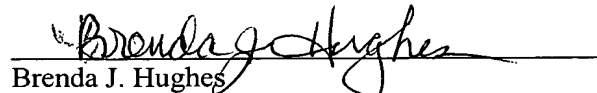


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CERTIFICATE OF MAILING

I hereby certify that the attached **Amendment, One-Month Extension of Time, fee, and return post card** are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the **Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 12, 2004.**


Brenda J. Hughes